

Notice of Allowability

Application No.

10/617,796

Examiner

Charles Chow

Applicant(s)

YANG ET AL.

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/10/2006.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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Detailed Action

1. This office action is for amendment received on 5/1/2006.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance:

Claims 1-5 are allowable over the prior art of record. The prior arts fail to teach the allowable features, singly, particularly, or in combination.

Applicant has amended independent claim 1 with allowable features [page 5 of applicant amendment] having circuit component connected in a structured format as shown in applicant's Fig. 3, having diode, capacitors, inductors, NPN transistors, for the amplifying device. The prior arts fail to teach the stable high frequency amplifier to provide oscillation signal, and the amplifier device has the internal component connected in such a configuration as shown in Fig. 3, for a nebulizer, to produce the submicron particle droplets from the vibration of the medication liquid, for inhaling by user,

The dependent claims 2-5 are also allowable due to their dependency upon the independent claim and comprising additional claimed features associated to the features of the independent claims.

The closest prior art **Takeda (US 4,641,053)** combined with **Adiga (US 2003/0127,535)** as shown in the previous office action, teaches the nebulizer with high frequency oscillation vibration for producing the submicron, but fail to teach the amended circuitry connection structure for the amplifying device.

Other prior arts in below were also considered, but they fail to teach the above allowable features,

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Takahashi et al. (US 4,338,576) teaches the ultrasonic atomizer, Fig. 5, having the oscillation control circuitry in Fig. 4, but fail to have C2, R5, D5 structure in the oscillation circuitry.

Mitsui et al. (US 4,318,062) teaches the ultrasonic nebulizer comprising the oscillation control circuitry in Fig. 1, 5, but fails to teach the above allowable limitations.

Nakai et al. (US 4,319,155) teaches the nebulizer with oscillation control circuitry in Fig. 2, but fails to teach the above allowable limitations.

Aota (US 4,607,237) teaches the crystal oscillation circuitry in Fig. 1 & **Bong et al. (US 4,888,566)** teaches the crystal oscillator circuitry as shown his figure, but fail to teach the above allowable limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (571) 272-7889. The examiner can normally be reached on 8:00am-5:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Chow C.C.

June, 2, 2006.


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
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